

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DECABOOTER FLOWERS,

Defendant.

8:03CR588

ORDER

Defendant Decabooter Flowers (Flowers) appeared before the court on May 21, 2014, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 114). Flowers was represented by Assistant Federal Public Defender Michael F. Maloney and the United States was represented by Assistant U.S. Attorney Frederick D. Franklin. Through his counsel, Flowers waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and Flowers should be held to answer for a final dispositional hearing before Senior Judge Lyle E. Strom.

The government moved for detention. Through counsel, Flowers requested a detention hearing. The hearing was scheduled for 10:00 a.m. on May 28, 2014.

On May 28, 2014, Flowers filed a waiver of the detention hearing (Filing No. 122). Since it is Flowers' burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Flowers has failed to carry his burden and that Flowers should be detained pending a dispositional hearing before Senior Judge Lyle E. Strom.

**IT IS ORDERED:**

1. A final dispositional hearing will be held before Senior Judge Lyle E. Strom in Courtroom No. 5, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 11:00 a.m. on July 10, 2014**. Defendant must be present in person.

2. Defendant Decabooter Flowers is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 28th day of May, 2014.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge